

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SANDRA SANON, individually and on behalf of
all other persons similarly situated,

Plaintiff,

v.

KIDZ DISCOVERY INC, ELIZA MACKY, and
DEANNA MALACHI,

Defendants.

Case No.: 22-CV-10583(JMF)(GS)

[Proposed]
DEFAULT JUDGMENT

DEFAULT JUDGMENT

This action was commenced on December 15, 2022, by filing of the Complaint (ECF No.1). On December 20, 2022, Plaintiff filed her First Amended Complaint (“FAC”) (ECF No. 7). A copy of Plaintiff’s FAC was served on Defendant Deanna Malachi (“Malachi”) on May 25, 2023, by emailing a copy of Plaintiff’s Complaint and First Amended Complaint with exhibits (ECF Nos. 1,7) to individual Defendant Deanna Malachi at kdzinc@yahoo.com (ECF Nos.35, 37). Proof of service was filed on the same date. (ECF No. 38). On October 16, 2023, Defendant Malachi filed her Amended Answer to Plaintiff’s FAC (ECF No. 60).

Following the filing of her Amended Answer, Defendant Malachi failed to appear for two teleconferences with this Court and intentionally violated this Court’s Orders of October 23, 2023, and October 26, 2023. (ECF Nos. 61, 63).

On October 26, 2023, this Court warned Malachi that “if she fails to appear again, the Court may impose sanctions and/or may invite Plaintiff to file a motion to strike her Amended Answer and to enter a Default Judgment against her.” (ECF No. 63) (original emphasis omitted).

Thus, on November 8, 2023, this Court Ordered that Defendant had failed to appear for a second time, and thus, this “court invited Plaintiff to file a motion to strike Malachi’s answer and

enter default judgment.” (ECF No. 68).

To date, Defendant Malachi has not appeared. ~~Malachi's Answer, ECF No. 21, is therefore STRICKEN.~~

ORDERED, ADJUDGED AND DECREED: That Plaintiff is awarded judgment against Defendant Malachi. ~~Whereas a default judgment as to liability has already been entered as to Defendant Kidz Discovery, Inc., ECF No. 59, the Court finds Kidz Discovery, Inc. jointly and severally liable for the below stated damages.~~

That Defendant Malachi misclassified Plaintiff as an independent contractor in violation of the FLSA from May 3, 2021, to January 2022.

That Plaintiff is awarded unpaid wages in the amount of \$ 12,810.33 with interest % 9 from November 6, 2021, amounting to \$ 2,386.56.

That Plaintiff is awarded liquidated damages in the amount of \$ 12,810.33.

That Plaintiff is awarded attorney's fees in the amount of \$ 14,861.15.


That Plaintiff is awarded a disbursement of reasonable costs and expenses in the amount of \$ 1,078.90.

That Plaintiff is awarded post judgment interest, as calculated under 28 U.S.C. § 1961.

That if any amounts remain unpaid upon the expiration of ninety (90) days following issuance of judgment, or ninety (90) days after expiration of the time to appeal and no appeal is then pending, whichever is later, the total amount of the judgment shall automatically increase by fifteen percent (15%), as required by NYLL § 198(4).

Dated: New York, New York
December 19, 2023

The Clerk of Court is directed to terminate ECF No. 70 and close the case.


UNITED STATES DISTRICT JUDGE
JESSE M. FURMAN
~~This document was entered on the docket on~~
